



PATENT  
Attorney Docket No.: FORS-01756

Applicant Or Patentee:  
Serial or Patent No.:  
Filed or Issued:  
Entitled:

Mary Ann D. Brow et al.

**RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR § 1.9(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: THIRD WAVE TECHNOLOGIES, INC.  
Address of Concern: 1250 Cloverleaf Drive, Monrovia, California 91016

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS** by inventor(s) Mary Ann D. Brow et al. described in:

- ☒ the specification filed herewith  
☐ Application Serial No. , filed  
☐ Patent No. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27).

Full Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Lance Fors  
Title in Organization: President  
Address of Person Signing: 1250 Cloverleaf Drive, Monrovia, California 91016

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

**DECLARATION FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**. The specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claim	
	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
Number	Country	Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: Patented, Pending, Abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Joint Inventor: Mary Ann D. Brow

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 5905 Hammersley Road, Madison, Wisconsin 53711Citizenship: United States of AmericaPost Office Address: 5905 Hammersley Road, Madison, Wisconsin 53711Full Name of Second Joint Inventor: Victor I. Lyamichev

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 1119 Merrill Springs Road, Madison, Wisconsin 53705-1316Citizenship: RussiaPost Office Address: 1119 Merrill Springs Road, Madison, Wisconsin 53705-1316Full Name of Third Joint Inventor: David Michael Olive

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 3404 Country Grove Drive, Madison, Wisconsin 53719Citizenship: United States of AmericaPost Office Address: 3404 Country Grove Drive, Madison, Wisconsin 53719



**PATENT**  
Attorney Docket No.: **FORS-01756**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Mary Ann D. Brow *et al.* )

Serial No.: )

Filed: )

For: **RAPID DETECTION AND** )  
**IDENTIFICATION OF PATHOGENS** )

**POWER OF ATTORNEY BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**THIRD WAVE TECHNOLOGIES, INC.**, Assignee of the above-identified application by Assignment dated \_\_\_\_\_ hereby appoints the members of the firm of MEDLEN & CARROLL, a firm composed of Virginia S. Medlen (Reg. No. 32,050); Peter G. Carroll (Reg. No. 32,837); John P. Sutton (Reg. No. 22,430); Kamrin T. MacKnight (Reg. No. 38,230); and Cynthia Soumoff (Reg. No. 38,314), 220 Montgomery Street, Suite 2200, San Francisco, California 94104, (415) 705-8410, as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all correspondence regarding this application to the following:

Peter G. Carroll  
MEDLEN & CARROLL  
220 Montgomery Street, Suite 2200  
San Francisco, California 94104  
Telephone: (415) 705-8410

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with **THIRD WAVE TECHNOLOGIES, INC.**

**THIRD WAVE TECHNOLOGIES, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Lance Fors  
Title: President

## ASSIGNMENT

WHEREAS, WE, Mary Ann D. Brow, Victor I. Lyamichev and David Michael Olive, hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: RAPID DETECTION AND IDENTIFICATION OF PATHOGENS

Date of Execution: \_\_\_\_\_ Filing Date: \_\_\_\_\_ Serial No.: \_\_\_\_\_

WHEREAS, THIRD WAVE TECHNOLOGIES, INC., a corporation of the State of Wisconsin, 1250 Cloverleaf Drive, Monrovia, California 91016, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to Assignors by Assignee, receipt of which is hereby acknowledged, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Assignee, and Assignee's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this assignment and transfer not been made, to the full end and term of any Letters Patent.

Assignors further agree that they will, without charge to said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have hereunto signed their names to this assignment on the dates indicated below.

\_\_\_\_\_  
Mary Ann D. Brow

\_\_\_\_\_  
Victor I. Lyamichev

\_\_\_\_\_  
David Michael Olive

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named Assignors, known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

SEAL